

# **ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING**

**Monday, December 2, 2013**

The Common Council was convened at 7:00 p.m. and was called to order by President McLaughlin.

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano.

Also present were the following staff: Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Conti led the Pledge of Allegiance.

**President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Number 105.121.13R, which was approved by unanimous voice vote.**

**Council Member Sano introduced RESOLUTION NUMBER 105.121.13R, asked for passage and a roll call vote thereon:**

## **RESOLUTION CONGRATULATING THE ORDER SONS OF ITALY IN AMERICA ROMA INTANGIBLE LODGE #215 ON THEIR 100<sup>TH</sup> ANNIVERSARY AND GOLDEN LION AWARD CEREMONY**

WHEREAS, the Roma Intangible Lodge #215 was founded in 1913 and is one of the oldest Sons of Italy Chapters in New York. It conducts and supports local cultural, educational and charitable activities; and

WHEREAS, the Sons of Italy is responsible for maintaining and preserving the Italian culture, language, and heritage in America. The Sons of Italy has been involved in promoting immigration legislation, assisting in the assimilation process, supporting cooperation, trade and diplomatic relations between the United States and Italy, encouraging educational achievement through scholarships, and serving local communities through a variety of cultural and community-based chapters; and

WHEREAS, Biagio Isgro is the 2013 recipient of the Albany Sons of Italy, Roma Intangible Lodge #215, 2013 Golden Lion Award. Biagio is a retired City of Albany professional firefighter who currently serves as the Financial Secretary for the organization. He has also been instrumental in fundraising events for the Lodge and in reviving the Columbus Day Event in Albany County.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany congratulates Albany Sons of Italy, Roma Intangible Lodge #215 on their 100<sup>th</sup> anniversary of service to this community and the 2013 recipient of the Golden Lion Award, Biagio Isgro and thanks him for his contributions to the community.

*\*Note: Council Member Sano spoke on this resolution prior to passage.*

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

*Resolution Number 105.121.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig and Smith*

## **PUBLIC HEARING**

Clerk to the Common Council Nala Woodard read the notice of the public hearing on Ordinance Number 49.91.13 (MC):

AN ORDINANCE AMENDING THE PARK SOUTH URBAN RENEWAL PLAN AND PLANNED DEVELOPMENT OVERLAY DISTRICT (PSPDOD) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY. The following individuals spoke:

1. Andrew Harvey, 271 Myrtle Avenue, Albany, NY;
2. Marlon Anderson, 491 Livingston Avenue, Albany, NY;
3. Virginia Hammer, 52 South Allen Street, Albany, NY;
4. Michael McGovern, 116 Morris Street, Albany, NY;
5. Judy Doesschate, 380 New Scotland Avenue, Albany, NY;
6. George Giretto, 148 ? Albany, NY;
7. Martin Daly, 564 Myrtle Avenue, Albany, NY.

There being no further speakers, the President McLaughlin declared the public hearing closed.

## **PUBLIC COMMENT PERIOD**

1. Jackie Robinson, 19 Lexington Avenue, Albany, NY (5<sup>th</sup> Ward);
2. Marlon Anderson, 491 Livingston Avenue, Albany, NY (SNUG);
3. Vincent Riguso, 13 Beach Avenue, Albany, NY (Various issues);
4. Helene Brown, 562 Park Avenue, Albany, NY (Various issues).

There being no further speakers, the President Pro-Tempore declared the public comment period closed.

## **CONSIDERATION OF LOCAL LAWS**

Council Member Calsolaro moved to amend LOCAL LAW-2010 and as amended asked for passage and a roll call vote thereon:

**LOCAL LAW AMENDING VARIOUS SECTIONS OF THE CODE OF THE CITY OF ALBANY TO ELIMINATE THE POSITIONS OF COMMISSIONER OF PUBLIC SAFETY AND COMMISSIONER OF BUILDINGS AND AMENDING REFERENCES TO THOSE POSITIONS WITH THE APPROPRIATE POSITIONS AND AMENDING THE ASSOCIATED CHAPTERS**

**BE IT ENACTED by the Common Council of the City of Albany as follows:**

**Section 1. Chapter 20 (Bureau of Buildings) of the Code of the City of Albany is amended to read as follows:**

**Chapter 20: ~~[BUREAU OF BUILDINGS]~~ DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE.**

**§ 20-1. ~~[Creation of Bureau of Buildings.]~~ Creation of Department of Buildings and Regulatory Compliance.**

There is hereby created and established~~[-within the Department of Public Safety of the City of Albany, a bureau which shall be known as the "Bureau of Buildings.-"]~~ a Department of Buildings and Regulatory Compliance.

**§ 20-2. ~~[Superintendent of Buildings; head of Bureau of Buildings]~~ Commissioner; qualifications; Deputies and Assistance Commissioners.**

~~[The Commissioner of Public Safety of the City of Albany shall appoint a Superintendent of Buildings who shall be the head of the Bureau of Buildings and shall hold office during his pleasure. He shall be either a civil engineer of not less than five (5) years' experience in his profession or an architect, a general building contractor or a person engaged~~

~~in the supervision of building construction of not less than ten (10) years' actual experience in his profession or occupation. The Commissioner of Public Safety may also appoint such inspectors and other subordinates as may from time to time be prescribed by the Board of Estimate and Apportionment. Before entering upon the performance of the duties of his office, the Superintendent shall execute and file with the City Clerk an official undertaking in such penal sum as may be prescribed by the Common Council.]~~ There shall be appointed by the Mayor, a Commissioner of Buildings and Regulatory Compliance who shall be the head of the Department of Buildings and Regulatory Compliance and carry out the functions and duties thereof, and shall meet the qualifications as provided in the New York State Uniform Fire Prevention and Building Code. The Commissioner shall appoint Deputy or Assistant Commissioners whom shall serve at the Commissioner's pleasure and serve in the Commissioner's absence. The Commissioner, Deputies and Assistant Commissioners are vested with the authority, direction and control over the Department, including the authority to appoint and remove employees of said Department.

### **§ 20-3. ~~[Superintendent of Buildings]~~ Commissioner; duties.**

In addition to the duties found in Chapter 133 of this Code, ~~[The Superintendent of Buildings]~~ the Commissioner shall faithfully execute all laws and ordinances relative to the erection, construction, alteration or removal of buildings or other structures and see that the same are obeyed. He shall have power to make, adopt and enforce such reasonable rules and regulations, not inconsistent with law or the ordinances of the Common Council, as may be reasonably necessary to effect a prompt and efficient exercise of all the powers conferred and the performance of all duties imposed by law or ordinance upon him or the department under his jurisdiction. He shall have power to establish and enforce such reasonable rules and regulations as may be necessary for the government of his department and shall have general supervision over the records of the department and its officers and employees. Said ~~[Superintendent]~~ Commissioner shall have the power to enter into and examine buildings and structures, lots and enclosures of every description to see that all laws of the state and ordinances of the City and rules and regulations of his department are fully enforced. He shall have full power and authority to pass upon and determine all questions arising under the provisions of law or ordinances relative to the plans, manner or method of construction or materials to be used in erecting, altering, repairing, equipping, furnishing or improving any building or structure or concerning the observance and maintenance of all proper and legal precautions against fire and for public safety in said City. He shall have full power and authority to order and compel the suspension of any work and prohibit the use of any material, machinery or equipment in violation of the provisions of law or the ordinances of said City and may make such tests as he may deem necessary to determine the safety of any building, structure, material, machinery or equipment which it becomes his duty to inspect. He shall have full power and authority to supervise and inspect such erection, construction or alteration and to require that such erection, construction or alteration and the manner and mode thereof and the materials used thereon shall conform to the several provisions of the laws, ordinances and rules and regulations relative thereto.

### **§ 20-4. Plans and specifications.**

All plans and specifications for the erection, construction or alteration of buildings or other structures shall be submitted to the ~~[Superintendent of Buildings]~~ Commissioner for his approval, and no building or other structure shall be erected, constructed or altered until the plans and specifications therefore shall have been approved and a permit issued for such erection, construction or alteration. No permit shall be required for the making of ordinary repairs of buildings or structures or of the plumbing, drainage, electrical wiring or gas piping thereof, but such repairs shall not be construed to include the cutting away of any stone or brick wall or any portion thereof, the removal or cutting of any beams or supports or the removal or closing of any staircase or the alteration of any house sewer or private sewer or drainage system. No change shall be made in the use or occupation of any existing building which will materially alter its character without the permission of the ~~[Superintendent of Buildings]~~ Commissioner and until said building has been reconstructed and modified to conform to the provisions of this chapter and the Building Code.

### **§ 20-5. Application to vary or modify rules.**

When the owner or lessee of any building or structure about to be erected, constructed or altered files with the ~~[Superintendent of Buildings]~~ Commissioner an application for the variation or modification of any rule or regulation or of any provision of law or ordinance relating to the erection, construction or alteration of buildings or other structures, he shall in such application fully set forth the grounds for the desired variation or modification. The plans

and specifications for the proposed erection, construction or alteration shall accompany such application. The ~~[Superintendent]~~ Commissioner shall fix a date within a reasonable time for hearing such application and as soon as practicable thereafter render a warrant decision thereon. Upon the hearing, the applicant may appear and be heard. The particulars of each such application and the decision thereon shall be entered in the records of the ~~[Building Department]~~ Department of Buildings and Regulatory Compliance and, in case the application is granted, a permit therefore shall be issued.

#### **§ 20-6. Records.**

The ~~[Superintendent of Buildings]~~ Commissioner shall preserve a record of all plans and specifications and of all applications for his approval thereof concerning, affecting or relating to the erection, construction or alteration of buildings or other structures. Such record shall include the date of the filing of each such application; the name and address of the owner of the land on which the building or structure mentioned in such application is situated; the names and addresses of the architect and builder employed thereon; a designation of the premises sufficient to identify the same; and a statement of the nature and proposed use of such building or structure and a brief statement of the decision of the ~~[Superintendent of Buildings]~~ Commissioner upon such application and the date thereof. Such records shall be public records and shall be open to the inspection of the public.

#### **§ 20-7. Right of appeal.**

Whenever the ~~[Superintendent of Buildings]~~ Commissioner shall reject or refuse to approve any plan or specification for or the mode or manner of construction proposed to be used in the erection, construction or alteration of any building or structure, or when it is claimed that the provisions of the Building Code or the provisions of any law or ordinance relative to the erection, construction or alteration of buildings or other structures do not apply, or when it is claimed that the true intent and meaning of said code, laws or ordinances have been misconstrued or improperly interpreted, the owner, or any person aggrieved, or any offices, department, board or bureau of the City may appeal as hereinafter provided.

#### **§ 20-8. ~~[Board of Building and Zoning Appeals established.]~~ Reserved.**

- ~~A. A Board of Building and Zoning Appeals is hereby established. It shall consist of three (3) members to be appointed by and serve during the pleasure of the Mayor. The Board of Building and Zoning Appeals, hereinafter referred to as the "Board," shall hear appeals from the decision of the Commissioner of Buildings authorized by Section 7 of Local Law Number 7, 1936, and appeals from the decision of said Commissioner authorized by the Zoning Ordinance of the City of Albany, enacted April 21, 1924, as amended.~~
- ~~B. Meetings of the Board shall be held at the call of the Chairman. The Board shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official action. The members of the Board shall serve without compensation.~~
- ~~C. All appeals shall be taken to said Board within ten (10) days from the date of the decision of the Commissioner of Buildings. Such appeal shall be taken by filing in the office of the Commissioner of Buildings a notice of appeal which shall state the matters and things desired to be reviewed and specify the grounds thereof. The Board shall thereupon appoint a time for the hearing of the appeal. Notice of the time and place of hearing the appeal, as fixed by the Board, shall be sent by mail or otherwise to the appellate who, upon such hearing, shall have the right to be present in person or by counsel and to give and furnish evidence in support of his contention. Upon such hearing, the Chairman or any member of the Board shall have power to administer oaths.~~
- ~~D. The Board is hereby authorized and empowered, in relation to appeals pursuant to Section 7 aforesaid, to sustain or reject such appeal, wholly or partially, or may modify the decision of the Commissioner of Buildings and shall make such order as in its opinion ought to be made in the premises, and to that end it shall have all the powers of the Commissioner of Buildings. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the law, the Board shall have power, in passing upon appeals, to vary or modify any rule or regulation or the provisions of any existing law or ordinance relating to~~

~~the construction, structural changes in equipment, alteration or removal of buildings or structures so that the spirit of the law shall be observed, public safety secured and substantial justice done. The decision shall be in writing and shall be filed in the office of the Commissioner of Buildings. Each decision shall, so far as it is practicable, be in the form of a general statement or resolution which shall be applicable to cases similar to, or falling within, the principles passed upon in such decision. If the decision of the Board shall be favorable to the appellant, the Commissioner of Buildings shall issue a permit in accordance therewith.]~~

**§ 20-9. Proceeding to enforce law.**

The ~~[Superintendent of Buildings]~~ Commissioner is authorized, by and with the advice and consent of the Corporation Counsel, in the name of the City, to maintain actions to restrain the performance of any act contrary to, or in violation of, the rules and regulations of his bureau, laws and ordinances and to prohibit the use or occupation of any building or structure which has been or is being erected, constructed or altered in violation of the provisions of any law, ordinance or rule or regulation relative to the erection, construction or alteration of buildings or structures. In any such action no undertaking shall be required. He may in like manner maintain actions for the recovery of penalties established by law or ordinance.

**§ 20-10. Removal of buildings deemed to be nuisances.**

Every structure or part thereof erected or placed or permitted to continue contrary to the provisions of this chapter or the Building Code or Sanitary Code shall be deemed to be a common nuisance, and the Commissioner ~~[Superintendent of Buildings]~~ may order the same removed, and in case the owner thereof shall neglect or refuse to remove such structure or part thereof, within five (5) days after notice so to do, the Commissioner ~~[or Superintendent of Buildings]~~ may remove such structure or part thereof at the expense of the owner or may cause the same to be abated in the same manner as other nuisances.

**Section 2. Article XI (General Provisions) of Part 3 (Department of Public Safety) of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 42-69 ~~[Establishment.]~~ Reserved.**

~~[There is hereby established a department known as the "Department of Public Safety." ]~~ Reserved.

**§ 42-70 ~~[Commissioner of Public Safety.]~~ Reserved.**

~~[There shall be appointed by the Mayor a Commissioner of Public Safety, who shall head the Department of Public Safety and carry out the functions and duties thereof. The Commissioner shall serve and hold such office at the pleasure of the Mayor. The Commissioner shall appoint such deputies, directors, and other subordinates as shall be authorized by the Board of Estimate and Apportionment and who shall serve at the Commissioner's pleasure.]~~  
Reserved.

**§ 42-71 ~~[Scope, powers, and duties of Commissioner.]~~ Reserved.**

~~[The Commissioner of Public Safety shall have cognizance, jurisdiction, supervision, and control of the government, administration, disposition, and discipline of the Police Department and the Department of Fire, Emergency, and Building Services, and of the officers and members of said departments. The Commissioner shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance, and direction of said departments, and the apparatus and property thereof and buildings furnished therefor. The Commissioner shall have the general direction and supervision of the expenditure of all moneys appropriated to said departments. In addition, the Commissioner shall possess such other powers and perform such other duties as may be prescribed by the law or by ordinance of the Common Council.]~~ Reserved.

**§ 42-72 Police Department reporting requirements.**

The Chief of Police shall submit to the Common Council on a quarterly basis, based on the calendar year, the following materials, data and reports:

- A. The number of firearms confiscated separated by the offense they were used in relation to or, if seized as property, whether they were seized alone, with fewer than five other illegal firearms, or with five or more other illegal firearms;
- B. The number of arrests for possession of illegal firearms, the number of arrests for illegal gun trafficking, and a list of gun trafficking charges lodged for gun trafficking offenses, including the number of individuals charged with each of these gun trafficking offenses.
- C. The report shall include written material and mapping of source states for firearms recovered in the City of Albany. This data shall be based on the Bureau of Alcohol, Tobacco and Firearms (ATF) gun tracing of the recovered firearms.
- D. The report shall break down the aggregate data to distinguish between the number of handguns and the number of long guns included in the report.

**Section 3. Sections 42-87(C) and (H) of Part 4 (Historic Resources Commission) of Chapter 42 of the Code of the City of Albany are hereby amended to read as follows:**

- C. Notice of a proposed designation shall be sent by registered mail to the owner of each property proposed for designation or located adjacent to a property proposed for designation, describing the property and announcing a public hearing by the Commission to consider the designation. Where the proposed designation involves so many properties that individual notice to affected owners is impractical, notice may instead be published at least twice in a newspaper of general circulation at least 10 days prior to the date of the public hearing. Once the Commission has issued notice of a proposed designation, no building permit for work in the affected area shall be issued by the ~~[Commissioner of Public Safety]~~ Commissioner of Buildings and Regulatory Compliance until the Common Council has approved or disapproved the designation, unless the Commission has reviewed the permit request according to the procedures and criteria for a certificate of appropriateness.
- H. Upon Common Council approval of a designation, a list of the landmarks or historic districts designated shall be filed with the City Clerk, the Director of Planning, the ~~[Commissioner of Public Safety]~~ Commissioner of Buildings and Regulatory Compliance, the City Engineer and the Albany County Hall of Records.

**Section 4. Sections 42-90(B)(1) and (C)(4) and (5) of Part 4 (Historic Resources Commission) of Chapter 42 of the Code of the City of Albany are hereby amended to read as follows:**

**§ 42-90 Certificate of appropriateness.**

- B. Building, grading, and roadwork permit requirements.
  - (1) No permit for signage, new construction, repair, alteration, a sidewalk barricade, demolition or any other work that will affect the exterior of a landmark or a property within an historic district, and no permit for subsurface excavation in any area of archaeological sensitivity or potential archaeological sensitivity, shall be issued by the ~~[Commissioner of Public Safety]~~ Commissioner of Buildings and Regulatory Compliance until the applicant has obtained a certificate of appropriateness. No permit for grading or roadwork shall be issued by the City Engineer until the applicant has obtained a certificate of appropriateness. Any application for a permit for such work shall be referred to the City Planning Office.
- C. Certificate of appropriateness: procedures and requirements.
  - (4) After reviewing an application, the Commission shall make a decision within 45 days of the determination that the application is complete, except that upon a vote of the Commission to hold a public hearing or upon notification of the ~~[Commissioner of Public Safety]~~ Commissioner of Buildings and Regulatory Compliance that additional time is necessary for consideration and review, the Commission shall have a forty-five-day extension to make its decision. The Commission may hold a public hearing on the application at which an opportunity will be provided for public comment. In the event that no decision

is made by the Commission within the allotted time, the permit may be issued without a decision of the Commission.

- (5) Each decision of the Commission shall be in writing and, if an approval with or without conditions or modifications, shall be in the form of a certificate of appropriateness. Copies of the decision shall be sent to the applicant and to the ~~[Commissioner of Public Safety]~~ Commissioner of Buildings and Regulatory Compliance, and a copy shall be filed in the Planning Office for public inspection. The Commission's decision shall state the reasons for denying or modifying any application.

**Section 5. Section 42-92(B) of Part 4 (Historic Resources Commission) of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:**

- B. It shall be the duty of the ~~[Commissioner of Public Safety]~~ Commissioner of Buildings and Regulatory Compliance to inspect any such work during the course of construction to ensure compliance. In the event that any such inspection reveals that the work is not being carried out in compliance with the certificate of appropriateness, the Commissioner shall order the work to cease and may order corrections to be made. In addition, the Commissioner may revoke the building permit.

**Section 6. Section 42-96 of Part 4 (Historic Resources Commission) of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:**

~~§ 42-96. Limitation of powers.~~

~~[This article shall in no way affect, supersede or abridge any emergency powers or any other powers of the Commissioner of Public Safety as to public safety, health and welfare.]~~ Reserved.

**Section 7. Section 42-360(A) and (B)(4) of Part 35 (Office of the City Archaeologist) of Chapter 42 of the Code of the City of Albany is hereby amended to read as follows:**

- A. The City Archaeologist shall be a professional archaeologist who meets the professional qualification standards set forth in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. The City Archaeologist shall advise the Mayor, the Common Council, the Historic Resources Commission, the Planning Board, the Board of Zoning Appeals, the ~~[Commissioner of Public Safety]~~ Department of Buildings and Regulatory Compliance, the Engineering Department, and the Planning Department on archaeological matters in the City of Albany.
- B. The City Archaeologist shall have the following duties:
- (4) To render advisory opinions to the Mayor, the Common Council, the Historic Resources Commission, the Planning Board, the Board of Zoning Appeals, the ~~[Commissioner of Public Safety]~~ Department of Buildings and Regulatory Compliance, the Engineering Department, and the Planning Department with regard to archaeological resources;

**Section 8. Section 231-5 of Part 2 (Housing Code) of Chapter 231 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 231-5 Title; Director.**

This code shall be known as the "Housing Code of the City of Albany, New York," which provides housing standards applicable to residential premises within the boundaries of said City and all annexations thereto. The Commissioner of ~~[Buildings]~~ the Department of Buildings and Regulatory Compliance shall also be known as the "Director of Housing" under the provisions of this code.

**Section 9. Section 231-103 of Part 3 (General Provisions) of Chapter 231 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 231-103 Administrative agency.**

- A. The [~~Bureau of Code Enforcement of the Department of Buildings~~] Department of Buildings and Regulatory Compliance of the City of Albany, New York, is hereby designated as the agency to administer and secure compliance with this code. Such agency is hereinafter referred to as [~~“the Bureau.”~~] “the Department.”
- B. The [~~Bureau~~] Department shall be under the direction and charge of the Commissioner of [~~Buildings~~] the Department of Buildings and Regulatory Compliance as chief officer of said [~~Bureau~~] Department, who shall have as his representatives such assistants and inspectors as may be necessary to carry out effectively the powers and duties of the [~~Bureau~~] Department.
- C. All personnel of the [~~Bureau~~] Department shall be qualified and appointed as prescribed by the laws of the City of Albany and the rules and regulations of [~~Department of Buildings~~] the Department of Buildings and Regulatory Compliance.

**Section 10. Section 255-43 of Article VIII (Public Nuisance Abatement) of Chapter 255 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 255-43 Findings and intent.**

The Common Council of the City of Albany finds that public nuisances exist in the City of Albany in the operation of certain establishments and the use of property in flagrant violation of the penal laws relating to controlled substances, dangerous drugs, prostitution, stolen property and illegal use or possession of weapons, as well as other provisions of state and local law, all of which substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The Common Council further finds that the occurrence of such activities and violations is detrimental to the health, safety and welfare of the City of Albany and of the businesses thereof and visitors thereto. It is the purpose of this article to authorize and empower the [~~Commissioner of Public Safety~~] Chief of Police to impose sanctions and penalties for such public nuisances, and such powers may be exercised either in conjunction with, or apart from, the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws. The Council further finds that the sanctions and penalties imposed by the [~~Commissioner~~] Chief pursuant to this article constitute an additional and appropriate method of law enforcement in response to the proliferation of the above described public nuisances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the City of Albany and to promote the general welfare.

**Section 11. Section 255-44 of Article VIII (Public Nuisance Abatement) of Chapter 255 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 255-44 Definitions.**

For the purposes of this article, the following terms shall have the meanings indicated, unless the context clearly requires otherwise:

**CHIEF**

The Chief of Police or his or her designee.

**[COMMISSIONER]**

~~The Commissioner of Public Safety or his or her designee.]~~

**Section 12. Sections 255-45 and 255-46 of Article VIII (Public Nuisance Abatement) of Chapter 255 of the Code of the City of Albany are hereby amended to read as follows:**

**§ 255-45 Remedies to abate public nuisances.**



In addition to the enforcement procedures established elsewhere in this article, the [~~Commissioner~~] Chief, after notice and opportunity for a hearing, shall be authorized:

- A. To order the discontinuance of such activity at the premises where such public nuisance exists; and/or
- B. To order the closing of the premises to the extent necessary to abate the public nuisance.

**§ 255-46 Service of notice.**

- A. Prior to the issuance of an order by the [~~Commissioner~~] Chief, pursuant to this article, the [~~Commissioner~~] Chief shall give notice and opportunity for a hearing to the owner, and any other person directly or indirectly in control of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service with the clerk of the court.
- B. The notice provided for in Subsection A of this section shall:
  - (1) Specify the activity creating the public nuisance;
  - (2) Provide 30 days for elimination of the public nuisance;
  - (3) Inform the person to whom it is directed of their right to apply within 10 days of service of the notice for a hearing before the [~~Commissioner~~] Chief;
  - (4) Inform the owner or any other person directly or indirectly in control of the premise that upon expiration of 30 days after service without a hearing before the [~~Commissioner~~] Chief, or upon noncompliance with any written agreement reached at the hearing, the [~~Commissioner~~] Chief shall act to obtain compliance as provided by this article; and
  - (5) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within five days, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained or permitted on the premises and that upon expiration of 30 days after service of the notice, the [~~Commissioner~~] Chief shall act to obtain compliance as provided in this article, including, but not limited to, closing the premises.

**Section 13. Section 255-48 and 255-49 of Article VIII (Public Nuisance Abatement) of Chapter 255 of the Code of the City of Albany are hereby amended to read as follows:**

**§ 255-48 Issuance of order.**

The [~~Commissioner~~] Chief shall issue the order provided for in § 255-45 of this article by posting said order on the premises wherein the public nuisance is occurring and mailing a copy by first class mail of said order to the owner, mortgagee or any other persons directly or indirectly in control of the premises, within one business day of the posting of said order on the premises.

**§ 255-49 Enforcement of order.**

- A. No sooner than five business days after the issuance of an order pursuant to §§ 255-45 and 255-48 of this article, and upon the directive of the [~~Commissioner~~] Chief, officers of the Albany Police Department are authorized to act upon and enforce such order.

- B. Where the [~~Commissioner~~] Chief closes a premises pursuant to this section, such closing shall be for such period as the [~~Commissioner~~] Chief may direct, but in no event shall the closing be for a period of greater than one year from the issuance of the order.
- C. Upon receiving a copy of the order issued by the [~~Commissioner~~] Chief, pursuant to §§ 255-45 and 255-48 of this article, the Corporation Counsel shall maintain a special proceeding to affix a civil penalty in the amount up to \$5,000, and to collect any costs and expenses incurred by the City of Albany, in commencing the proceeding, closing the premises and in relocating any occupants on the premises. The Corporation Counsel shall file a notice of pendency of the proceeding in the Albany County Clerk's office.
- D. The judgment in such proceeding, in favor of the City of Albany, shall establish the penalty sued for with costs and disbursements as a lien upon the premises, subject only to taxes, assessments, water rates, mortgages and mechanics' liens as they exist thereon.

**Section 14. Section 255-51, 255-52 and 255-53 of Article VIII (Public Nuisance Abatement) of Chapter 255 of the Code of the City of Albany are hereby amended to read as follows:**

**§ 255-51 Closing not possession.**

A closing directed by the [~~Commissioner~~] Chief pursuant to this article shall not constitute an act of possession, ownership or control by the City of Albany of the closed premises.

**§ 255-52 Disobedience of order.**

- A. It shall be a misdemeanor for any person to use or occupy, or to permit any other person to use or occupy, the premises, or any portion thereof, ordered closed by the [~~Commissioner~~] Chief.
- B. Mutilation or removal of a posted order of the [~~Commissioner~~] Chief shall be punishable by a fine of not more than \$250, or by imprisonment not exceeding 15 days, or both, provided that such order contains therein a notice of such penalty.
- C. Intentional disobedience of or resistance to any provision of the order issued by the [~~Commissioner~~] Chief, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than \$500, or imprisonment not exceeding six months, or both.
- D. Each day's violation shall constitute a separate offense.

**§ 255-53 Promulgation of rules and regulations.**

The [~~Commissioner~~] Chief may promulgate such rules and regulations as may be necessary to carry out the provisions of this article.

**Section 15. Section 307-4 of Chapter 307 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 307-4 Definitions.**

As used in this chapter, and unless otherwise expressly stated, the following terms shall be defined as stated:

**ADMINISTRATOR**

The [~~Director of the Division of Buildings and Codes~~] Commissioner of the Department of Buildings and Regulatory Compliance of the City of Albany or his designee.

**Section 16. Section 353-14 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

As used in this article, the following words shall have the meanings set forth in this section:

**COMMISSIONER CHIEF**

The ~~Commissioner of Public Safety~~ Chief of Police or his or her designee.

**Section 17. Section 353-16 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

With the advice and consent of the Common Council, the ~~Commissioner~~ Chief may set a limit on the number of medallions to be issued in the interest of public convenience and necessity.

**Section 18. Section 353-17(H) of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

H. For new applications filed on or after the effective date hereof and renewal applications filed on or before December 31, 2002, the following shall also be required:

- (1) Three untouched photographs of such size as may be prescribed by the ~~Commissioner~~ Chief taken within 30 days of the date of filing of the application.
- (2) The fingerprinting of the applicant by the Police Department of the City of Albany, and the set of fingerprints which accompanies the application shall be kept on file at the office of the ~~Commissioner~~ Chief as a permanent record. The ~~Commissioner~~ Chief shall cause an investigation to be made relative to the character and criminal record, if any, of every applicant and shall forward the applicant's finger prints and the processing fee set forth herein to the New York State Division of Criminal Justice Services for its review and report. The fee for the investigation and fingerprinting shall be \$25, payable to the Albany Police Department, and \$50 payable to the New York State Division of Criminal Justice Services.
- (3) A consent signed by the applicant, on a form provided by the ~~Commissioner~~ Chief, permitting any person to divulge and report to the ~~Commissioner~~ Chief any matter which might, without such consent, be deemed confidential.

**Section 19. Section 353-19 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- A. The ~~Commissioner~~ Chief shall investigate the applicant's qualifications and background and consider the following in determining whether the applicant is eligible to be issued a taxicab medallion:
  - (1) Whether the applicant has complied with all provisions of this article.
  - (2) Whether the applicant is a current or former holder of a taxicab medallion which has been suspended or revoked and, if so, for what cause.
  - (3) Whether the applicant has been convicted of a crime.
  - (4) Whether the applicant meets the criteria set forth in Article 23-A of the Correction Law of the State of New York.
- B. Upon consideration of the factors listed above, the ~~Commissioner~~ Chief may refuse to certify an applicant as eligible to receive a taxicab medallion based on any of the factors listed above. Written notification of such denial shall be sent to the applicant at the address indicated on the application, stating the reason for the denial of the medallion. Upon the applicant's written request addressed to the ~~Commissioner~~ Chief, a hearing shall be granted within 10 days of the ~~Commissioner~~ Chief's receipt of request. The applicant is entitled to be represented by counsel.

- C. The ~~Commissioner~~ Chief shall otherwise issue taxicab medallions to any qualified applicant.

**Section 20. Section 353-20(D) and (F) of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- D. Failure by the owner to maintain such logs shall serve as a basis for the ~~Commissioner~~ Chief to prohibit such taxicabs, even if medallioned, from operating within the City of Albany, in addition to any other penalty authorized by this article for a period to be specified by the ~~Commissioner~~ Chief.
- F. The ~~Commissioner~~ Chief shall immediately notify the New York State Commissioner of Motor Vehicles upon the conviction of any taxicab owner or operator not medallioned by the City of Albany for operating in the City in violation of Subsection A. The Commissioner shall revoke such owner's or operator's taxi and livery registrations as provided in § 401, Subdivision 7C, of the Vehicle and Traffic Law of the State of New York.

**Section 21. Section 353-23 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- A. No taxicab medallion shall be transferred or assigned except upon approval by the Commissioner based on a written application to the ~~Commissioner~~ Chief.
- B. A medallion holder shall give written notice to the ~~Commissioner~~ Chief within 10 days of any change of address or phone number.

**Section 22. Section 353-25 and 353-26 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany are hereby amended to read as follows:**  
**§ 353-25 Identification of taxicabs.**

The ~~Commissioner~~ Chief is hereby empowered in the exercise of discretion to require owners and operators of medallioned taxicabs to display distinctive colors, emblems, signs or other devices on each taxicab in order to provide prospective passengers an opportunity to differentiate between taxicabs owned or operated by different owners.

**§ 353-26 Display of taxicab medallions.**

A taxicab medallion issued pursuant to this article shall be displayed in the manner prescribed by the ~~Commissioner~~ Chief. No one other than the ~~Commissioner~~ Chief is authorized to adhere or remove a medallion to or from a taxicab. Medallions may, in the discretion of the ~~Commissioner~~ Chief, be of a different or alternating color or otherwise distinguished for each year of issuance.

**Section 23. Section 353-28 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- A. All taxicabs assigned a medallion by the City of Albany shall conform to the following requirements:
- (1) Exterior requirements: headlights, taillights, brake lights, directional signal lights, windshield, windshield wipers, backup lights, defrosters (front and rear) and horn, all other vehicle glass, a minimum of four doors, door locks, trunk lid, trunk hood, splash shields, bumpers and fenders. Body and tires shall be maintained in a clean condition and in good working order. Unless the wheel rims are specifically designed to eliminate the need for hubcaps, vehicles must be equipped with four hubcaps. There shall be no tears, holes or large rust spots in the vehicle body and no loose pieces, such as fenders, bumpers or trim, hanging from the vehicle body. The body, including the color scheme, owner's trademark, name, monogram, phone number, cab number (minimum of four inches in height on both sides of the vehicle), insignia or other marking shall be well painted and in a clean and orderly appearance.

- (2) Interior requirements. The interior of each vehicle shall be maintained in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. Seats and floor mats shall be kept clean and without holes or large wear spots.
  - (3) Posted notices. There shall be posted conspicuously on the interior and exterior of each taxicab the phone number of the ~~Commissioner~~ Chief indicating where to direct any complaints relative to the fare charged, appearance or functioning of the vehicle or the conduct of the driver.
  - (4) On and after June 1, 2002, no taxicab shall be older than seven years old.
- B. Before any taxicab can initially be placed in operation, such vehicle shall be inspected by the ~~Commissioner~~ Chief as to the requirements listed in Subsection A(1) and (2) above, and no taxicab medallion will be issued for such vehicle until it has been found that the exterior and interior of such vehicle is clean, fit and of good appearance. The ~~Commissioner~~ Chief shall inspect all taxicabs for these requirements twice a year.
  - C. Every owner or operator shall have each medallioned taxicab submitted to a New York State motor vehicle inspection every six months. Valid proof of such inspection shall be by certificate issued by a licensed New York State inspection station certifying that the vehicle meets all requirements of the Vehicle and Traffic Law of the State of New York. Certifications shall be made on a form to be supplied by the ~~Commissioner~~ Chief.
  - D. The ~~Commissioner~~ Chief shall also have the right to inspect all taxicabs from time to time or on the complaint of any citizen. If the ~~Commissioner~~ Chief finds that a vehicle does not meet the requirements of this section, he may, in his discretion, suspend or revoke the owner's taxicab medallion or the driver's hack license. It shall be the responsibility of the medallion owner to ensure that its taxicabs meet the above requirements in § 353-28A(1), (2) and (3) before going into service. Failure of the medallion owner to comply may result in the taking of the medallion and a hearing held in accordance with § 353-19. Fines may be assessed.

**Section 24. Section 353-29(A) of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- A. The ~~Commissioner~~ Chief is authorized to designate taxicab stands, along with the number of taxicabs that shall be allowed to park or stand at each location.

**Section 25. Section 353-30(C) of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- C. Maps. The map set forth in § 353-30A of this article bearing the seal of the City of Albany depicting both the zones within the City of Albany, fares and waiting time charges established herein and the consumer information set forth therein in a format approved by the ~~Commissioner~~ Chief shall be conspicuously displayed inside every medallioned taxicab so as to be clearly visible to all passengers in the vehicle. In addition, such map shall be clearly affixed to the exterior of every medallioned taxicab. The specific locations and manner of affixation of such maps shall be as prescribed by the rules and regulations promulgated pursuant to this article.

**Section 26. Section 353-32 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

Upon request of the passenger, the taxicab driver shall provide a receipt upon a form approved by the ~~Commissioner~~ Chief containing the following information:

- A. The name of the taxicab company and medallion number of such taxicab.
- B. Trip origin and terminus.
  - (1) The date and place the trip originated.



**§ 353-35 Suspension or revocation of taxicab medallion.**

- A. A taxicab medallion may be suspended or revoked by the ~~Commissioner~~ Chief or his designee at the time a violation is filed, and a written specification of the charge served personally on the owner or his agent or by certified mail addressed to the owner at the address provided by the owner on the medallion application. The medallion owner shall be entitled to be represented by counsel, and civil forfeitures may be assessed. Violations shall be specified as follows:
- (1) Failure to notify the ~~Commissioner~~ Chief that the owner of a hack license has not used such license in his employment for a period longer than 90 days.
  - (2) Permitting the operation of the taxicab by a person not licensed under the provisions of this article as hereinafter provided.
  - (3) Operation of a taxicab at a rate or fare exceeding that established under § 353-30 and stated on the rate card issued by the ~~Commissioner~~ Chief.
  - (4) Discontinuance of operations beyond the time period prescribed in the rules and regulations of the ~~Commissioner~~ Chief.
  - (3) Does not meet the standards as embodied in Article 23-A of the Corrections Law of the State of New York.
  - (4) Violation of any other provision of this article or any rule or regulation of the ~~Commissioner~~ Chief.
- B. Immediately upon revocation of a taxicab medallion, the ~~Commissioner~~ Chief shall notify the Commissioner of the New York State Department of Motor Vehicles of such revocation. As provided in § 401, Subdivision 7C, of the New York State Vehicle and Traffic Law, the Commissioner shall revoke the licensee's tax and livery registrations.

**§ 353-36 Surrender of taxicab medallion.**

- A. Taxicab medallions which have been suspended or revoked by the ~~Commissioner~~ Chief shall be surrendered forthwith to the ~~Commissioner~~ Chief, and the operation of any taxicab or taxicabs covered by such medallion shall cease.
- B. Taxicab medallions for taxicabs needing repairs reasonably requiring 60 days or more to complete shall be surrendered to the ~~Commissioner~~ Chief. Such medallions shall be reinstated upon satisfactory inspection by the ~~Commissioner~~ Chief.
- C. The time limitations set forth in Subsection B may be extended by the ~~Commissioner~~ Chief in his discretion upon written request of the medallion holder.
- D. No taxicab medallion shall be transferred or affixed to any other vehicle except by or upon the express authorization of the ~~Commissioner~~ Chief.

**Section 28. Section 353-38(B) and (C) of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- B. The application for a hack license shall be submitted to the ~~Commissioner~~ Chief on such form or forms as shall be required by him, and the information provided by the application shall be sworn to or given under the penalties of perjury.
- C. The application shall also include:

- (1) Three untouched photographs of such size as may be prescribed by the ~~Commissioner~~ Chief taken within 30 days of the date of filing of the application.
- (2) The fingerprinting of the applicant by the Police Department of the City of Albany, and the set of fingerprints which accompanies the application, shall be kept on file at the office of the ~~Commissioner~~ Chief as a permanent record. The ~~Commissioner~~ Chief shall cause an investigation to be made relative to the character and criminal record, if any, of every applicant and shall forward the applicant's fingerprints and the processing fee set forth herein to the New York State Division of Criminal Justice Services for its review and report. The fee for the investigation and fingerprinting shall be \$25, payable to the Albany Police Department, and \$50 payable to the New York State Division of Criminal Justice Services.
- (3) A consent signed by the applicant, on a form provided by the ~~Commissioner~~ Chief, permitting any person to divulge and report to the ~~Commissioner~~ Chief, any matter which might, without such consent, be deemed confidential.
- (4) A certified copy of the applicant's driving record obtained by the applicant from the Department of Motor Vehicles.
- (5) A statement indicating that the applicant has read, and fully understands, all of the provisions of this article.

**Section 29. Section 353-39 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- A. After receipt of an application, the ~~Commissioner~~ Chief shall do a background investigation of the applicant to determine if he meets the requirements of § 353-38.
- B. The ~~Commissioner~~ Chief may require the applicant to submit a certificate from a duly licensed physician certifying that he has examined the applicant within 30 days prior to the filing date of the application and, in his opinion the applicant does not have any physical or mental condition which would affect the ability of the applicant to safely operate a motor vehicle.
- C. If the applicant does not meet the requirements of § 353-38, the ~~Commissioner~~ Chief shall deny the applicant's hack license application.

**Section 30. Section 353-40 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:**

- A. Upon the written approval by the ~~Commissioner~~ Chief of the application for a hack license in accordance with the foregoing procedures, a hack license shall be issued to the applicant. The license shall be in a form to be prescribed by the ~~Commissioner~~ Chief and shall contain a photograph of the licensee, his signature and his right thumb print. The license shall become invalid if defaced or if any entry is made thereon by anyone other than the ~~Commissioner~~ Chief. Except for licenses issued for the year 2002 (which shall expire on March 1, 2003), a hack license shall be valid for a period not to exceed one year and shall expire on March 1 following the year issued.
- B. A hack badge shall be issued with a hack license. It shall be of a form as prescribed by the ~~Commissioner~~ Chief; it shall be imprinted with the hack license number; and it shall be displayed on the right upper portion of the licensee's outer clothing.
- C. The hack license shall be displayed in a plastic sleeve in the center of the dashboard so as to be visible to any passenger in the taxicab.

**Section 31. Section 353-41.1 and 353-42 of Article II (Taxicabs and Hacks) of Chapter 353 of the Code of the City of Albany are hereby amended to read as follows:**



### **§ 353-41.1 Training program and certification.**

Within one year of licensure, and every five years thereafter, all licensees shall attend and successfully complete a training program organized and conducted by the ~~Commissioner~~ Chief. Such program shall train licensees in the licensing and conduct requirements of this article together with such other information deemed necessary by the ~~Commissioner~~ Chief. Licensees shall be provided with certificates by the ~~Commissioner~~ Chief attesting to their successful completion of the program and the date thereof.

### **§ 353-42 Renewal of hack license.**

- A. A hack license shall be renewable upon compliance with the foregoing provisions of this article relating to hack licenses, provided that the application is filed not less than 30 days nor more than 60 days prior to expiration of the current license on a form supplied by the ~~Commissioner~~ Chief. Renewal applications shall be accompanied by a certified copy of the applicant's driving record obtained by the applicant from the Department of Motor Vehicles. The fee for renewal shall be \$100.
- B. The ~~Commissioner~~ Chief shall, upon application for renewal, make such background check of the applicant which, in his discretion, is appropriate. At a minimum, it shall include criminal records and Department of Motor Vehicle checks.

**Section 32. Section 375-8 of Article II (Interpretation, Word Usage and Definitions) of Chapter 375 of the Code of the City of Albany are hereby amended to read as follows:**

### **§ 375-7 Definitions.**

#### **ADMINISTRATOR**

The [~~Commissioner of Buildings~~] Commissioner of the Department of Buildings and Regulatory Compliance of the City of Albany, New York, or another City official who is designated by law to fulfill the duties of that position.

**Section 33. Section 375-8 of Article III (Enforcement and Administration) of Chapter 375 of the Code of the City of Albany are hereby amended to read as follows:**

### **§ 375-8 [~~Commissioner of Buildings~~] Commissioner of the Department of Buildings and Regulatory Compliance.**

The [~~Commissioner of Buildings~~] Commissioner of the Department of Buildings and Regulatory Compliance is hereby given the duty, power and authority to administer and enforce the provisions of this chapter. The Commissioner or a designee shall:

- A. Issue permits for proposed projects that are found to comply with all applicable ordinances and codes.
- B. Inspect approved projects during construction and upon completion to ensure compliance with this chapter and other applicable ordinances and codes.

**Section 34. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.**

**The local law passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

*Local Law B-2010 (As amended) was co-sponsored by Council Member Konev.*

The remaining local laws on the agenda were held at the request of Majority Leader Herring.

## **REPORTS OF STANDING COMMITTEES**

**Council Operations and Ethics** – Chairperson Conti stated that the committee met on November 19, 2013 to discuss Resolution Number 72.91.13R appointing Joseph Cunniff to the PEG Access Oversight Board and Ordinance Number 49.101.13 in relation to the PEG Access Oversight Board membership, which were both recommended favorably out of committee.

**General Services, Health and Environment** - Chairperson O'Brien stated that the committee met on November 21, 2013 to interview the two applicants to the Pest Management Board. The committee selected Anthony Belsito and Robert Daley to be appointed as members of the Pest Management Board.

**Law, Buildings and Code Enforcement** – Chairperson Igoe stated that the committee met on November 25, 2013 to discuss Ordinance Number 52.101.13 in relation to street side memorials, Ordinance Number 54.112.13 in relation to fees and Ordinance Number 43.91.13 in relation to taxicab bill of rights. He stated that Ordinance Number 52.101.13 and 43.91.13 was held for discussion and Ordinance Number 54.112.13 was reported out of committee with a favorable recommendation.

**Public Safety** – Chairperson Smith stated that the committee met on November 26, 2013 with the Albany Police Department to discuss their strip search policy and training in residential neighborhoods. She stated that both policies were still in draft form and should be available soon and the department is in the process of updating all policies within the department.

## **REPORTS OF AD HOC COMMITTEES**

**Park South Ad Hoc Committee** – Chairperson Conti stated that the committee would be meeting on December 13, 2013 to discuss responses to public comments heard at the Planning Board meeting on the Park South Redevelopment Plan and from the Common Council's public hearings and to discuss minor revisions made to the plan.

## **CONSIDERATION OF ORDINANCES**

**Council Member Calsolaro asked for passage of ORDINANCE NUMBER 55.112.14 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO THE CITY SCHOOL DISTRICT OF ALBANY OVER, UPON AND UNDER A PORTION OF LINCOLN PARK IN THE CITY OF ALBANY), which had been previously introduced.**

**The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member Igoe asked for passage of ORDINANCE NUMBER 54.112.13,(AN ORDINANCE AMENDING CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FEES), which had been previously introduced.**

**The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

Affirmative 12 Negative 0 Abstain 0

President Pro Tempore Conti made a motion to discharge Ordinance Number 43.91.14 out of committee, which was approved by unanimous voice vote.

Council Member Konev asked for passage of ORDINANCE NUMBER 43.91.13 (AN ORDINANCE AMENDING SECTION 353-28 (MAINTENANCE AND INSPECTION OF TAXICABS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO A TAXICAB BILL OF RIGHTS), which had been previously introduced.

The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

Affirmative 12 Negative 0 Abstain 0

Council Member Rosenzweig asked for passage of ORDINANCE NUMBER 49.101.13 (AN ORDINANCE AMENDING PART 38 (PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY REGARDING BOARD MEMBERSHIP), which had been previously introduced

*\*Note: Council Members Calsolaro, Rosenzweig and O'Brien spoke on this resolution prior to passage.*

The ordinance passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Bailey, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

Negative - Calsolaro

Affirmative 11 Negative 1 Abstain 0

*Ordinance Number was co-sponsored by Council Member Konev.*

The remaining ordinances on the agenda were held at the request of Majority Leader Herring.

### **CONSIDERATION OF RESOLUTIONS**

Council Member Sano introduced RESOLUTION NUMBER 100.121.13R, asked for passage and a roll call vote thereon:

#### **RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF A CUSTODIAL WORKER II AND THE CREATION OF A CUSTODIAL WORKER I POSITION IN THE DEPARTMENT OF GENERAL SERVICES**

WHEREAS, Section 603(D)(b) of the Charter of the City of Albany dictates that any personnel titles or salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of General Services require the skills and abilities of a Custodial Worker I rather than those of a Custodial Worker II.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the elimination of one current position of Custodial Worker II and the creation of a position of Custodial Worker I within the Department of General Services.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member Sano introduced RESOLUTION NUMBER 101.121.13R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY OF 2014 BUSINESS IMPROVEMENT DISTRICT (BID) CHARGES AND AUTHORIZING THE TREASURER TO PLACE SUCH CHARGES ON THE 2014 TAX BILLS**

WHEREAS, the Lark Street Area Business Improvement District (BID) was established by the Common Council on November 6, 1995 by Local Law No. 10-1995; and

WHEREAS, the Downtown Albany Business Improvement District (BID) was established by the Common Council on November 20, 1995 by Local Law No. 11-1995; and

WHEREAS, the Central Business Improvement District (BID) was established by the Common Council on November 17, 1997 by Local Law No. 5-1997; and

WHEREAS, the operation of the BID is governed by the provisions set forth in Article 19-A of the General Municipal Law, Section 980j of which requires that the expense incurred in the operation of the district shall be financed in accordance with the district plan upon which the establishment of the district was based, and that the district charge upon benefited real property shall be imposed as provided in the district plan; and that the charge shall be determined, levied, and collected in the same manner and at the same time and by the same officers as the general municipal taxes are levied and collected; and

WHEREAS, the proposed 2013 Lark Street BID budget, includes \$92,403.66 in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2013 Downtown BID budget, includes \$655,212.56 in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2013 Central BID budget, includes \$595,711.30 in anticipated revenue to be generated by the BID charge; and;

NOW, THEREFORE, BE IT RESOLVED, that the combined amount of the three BID budgets totaling \$1,343,327.52 shall constitute a levy of the amount to be raised by the BID charge, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in each BID in accordance with the BID plans, and to collect the same.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$1,343,327.52, shall be placed on the 2013 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2014 tax bills.

RESOLVED, that the charges totaling \$1,343,327.52 represent the following:

- 1) Lark Street Area Business Improvement District - \$92,403.66
- 2) Downtown Albany Business Improvement District - \$655,212.56

3) Central Business Improvement District - \$595,711.30

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member Sano introduced RESOLUTION NUMBER 102.121.13R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID WATER AND SEWER CHARGES**

WHEREAS, Section 604(e) of the Charter of City of Albany states that “all water and sewer charges shall be collected by the City Treasurer in the manner set forth in Second Class Cities Law and be a lien upon the property assessed as a general City tax and as a part thereof shall be levied and collected” pursuant to the procedures set forth in Section 604 of the City Charter; and

WHEREAS, Public Authorities Law Section 1115-i(9) calls for all unpaid water and sewer charges in the preceding year to be levied and placed on annual tax rolls of the City of Albany under the name “delinquent water and sewer charges”; and

WHEREAS, the Chief Financial Officer of the Albany Water Board has filed with the City of Albany a statement of unpaid water and sewer charges for the year 2013 totaling \$3,984,433.43.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be a delinquent water and sewer charge levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid water and sewer charges for the year 2013 by the Albany Water Board.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$3,984,433.43 shall be placed on the 2013 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2014 tax bills.

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member Sano introduced RESOLUTION NUMBER 103.121.13R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID CHARGES OF THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES, DEPARTMENT OF BUILDING AND CODES AND THE DEPARTMENT OF GENERAL SERVICES**

WHEREAS, the Department of Fire and Emergency Services was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of Building and Codes was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of General Services was created under Part 5 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, all of the above-referenced departments have the ability to apply charges to real property the services they perform at those properties during the course of any tax year; and

WHEREAS, those charges are transmitted to the Treasurer of the City of Albany and collected by the Treasurer; and

WHEREAS, Chapter 258, Section 258-2 of the Code of the City of Albany provides that “any unpaid fees, fines or penalties levied against property, or owner(s) thereof, within the City of Albany that are owed to the City of Albany for the violation of any or all City laws, ordinances and promulgations, and of all state laws, shall be and remain a lien against the property, and such fees, fines or penalties shall be collected by the City from the owner(s) of such property in the same manner as taxes are collected, in that such fees, fines or penalties shall be added to the property tax bill of the subject property”; and

WHEREAS, on or about November 15 of each year, the Treasurer creates an accounting of all these charges that remain uncollected from the preceding year; and

WHEREAS, all of these charges uncollected in the preceding year need to be levied and placed on the annual tax roll of the City of Albany; and

WHEREAS, the Treasurer of the City of Albany has filed with the Common Council a statement of unpaid charges for the year 2013 totaling \$ 992,155.57.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be delinquent charges levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid charges for the year 2013 by the City of Albany.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$ 992,155.57, shall be placed on the 2013 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2014 tax bills.

RESOLVED, that the charges totaling \$ 992,155.57 represent the following:

- 1) Delinquent Board Up Charges - \$ 34,227.72
- 2) Delinquent Demolition Charges - \$ 325,788.06
- 3) Delinquent Illegal Debris Charges - \$ 526,238.89
- 4) Delinquent Snow Removal Charges - \$ 19,223.40
- 5) Delinquent ROP Charges - \$ 86,677.50

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member Sano introduced RESOLUTION NUMBER 104.121.13R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPROVING THE TRANSFER OF \$3,767,694 TO VARIOUS ACCOUNTS IN ACCORDANCE WITH CITY CHARTER SECTION 603**

WHEREAS, Albany City Charter Section 603 requires Common Council approval for budgetary transfers in excess of four percent of the budget; and

WHEREAS, the Treasurer has calculated year-to-date transfers to ensure that they do not exceed allowable transfers; and

WHEREAS, four percent of the 2012 budget totals \$6,859,200 and the final reconciliation of the 2012 budget requires \$3,767,694 in excess of transfers permitted pursuant to the Albany City Charter; and

NOW, THEREFORE, BE IT RESOLVED, the Common Council approves the transfer of the following funds from various accounts being more particularly described in Attachment “A”, which is attached hereto and made a part hereof this resolution.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member Golby introduced RESOLUTION NUMBER 106.122.13R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPOINTING ANTHONY BELSITO TO THE PEST MANAGEMENT BOARD**

WHEREAS, pursuant to Section 259-3 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Pest Management Board.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Anthony Belsito to the Pest Management Board.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member Golby introduced RESOLUTION NUMBER 107.122.13R, asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPOINTING ROBERT J. DALEY TO THE PEST MANAGEMENT BOARD**

WHEREAS, pursuant to Section 259-3 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Pest Management Board.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Robert J. Daley to the Pest Management Board.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**President Pro Tempore Conti asked and received majority consent to add Resolution Numbers 108.121.13R to 111.121.13R to the pending agenda, which was approved by unanimous voice vote.**

**Council Member Sano introduced RESOLUTION NUMBER 108.121.13R (MC), asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE LOCALLY-ADJUSTED  
BASE PROPORTIONS OF THE HOMESTEAD AND NON-HOMESTEAD CLASSES FOR  
PROPERTY TAX PURPOSES PURSUANT TO ARTICLE 19 OF THE REAL PROPERTY TAX  
LAW**

WHEREAS, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real property Tax Law relating to the establishment of homestead and non-homestead base proportions; and

WHEREAS, pursuant to Section 1903(4) of the Real Property Tax Law, the City of Albany has amended its differential from twenty-five percent to zero percent; and

WHEREAS, pursuant to Section 1903 of the Real Property Tax Law, the locally-adjusted homestead base proportion of the City of Albany’s base year assessment roll of 2013 has been determined to be 58.00 percent; and

WHEREAS, pursuant to Section 1903 of the Real Property Tax Law, the locally-adjusted non-homestead base proportion of the City of Albany’s base year assessment roll of 2013 has been determined to 42.00 percent.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby establish the existing class shares as follows:

The locally-adjusted homestead base proportion shall equal 58.00 percent and the locally-adjusted non-homestead base proportion shall equal 42.00 percent.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**Council Member O’Brien introduced RESOLUTION NUMBER 109.121.13R (MC), asked for passage and a roll call vote thereon:**

**A RESOLUTION AUTHORIZING THE CITY OF ALBANY DEPARTMENT OF GENERAL  
SERVICES TO FILE AN APPLICATION WITH THE NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION UNDER THE URBAN AND COMMUNITY FORESTRY  
GRANT PROGRAM**

RESOLVED, that Thomas Pfeiffer, as City Forester of the City of Albany, or his



successor, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$50,000.00, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Albany for a grant under the Urban and Community Forestry Grant Program.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

*Resolution Number 109.121.13R (MC) was Co-Sponsored by Council Members Calsolaro, Konev and Sano.*

**Council Member Herring introduced RESOLUTION NUMBER 110.121.13R (MC), asked for passage and a roll call vote thereon:**

**RESOLUTION OF THE COMMON COUNCIL APPOINTING DARIUS SHAHINFAR AS A MEMBER OF THE CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY AND THE CAPITAL RESOURCE CORPORATION**

**WHEREAS**, pursuant to the provisions of Sections 856 and 903-a of the General Municipal Law the Common Council of the City of Albany has the authority to appoint members of the Industrial Development Agency and the Capital Resource Corporation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany, duly convened does hereby appoint Darius Shahinfar as a member of the City of Albany Industrial Development Agency and the Capital Resource Corporation.

**BE IT FURTHER RESOLVED**, this resolution shall take effect immediately.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

*Resolution Number 110.121.13R (MC) was Co-Sponsored by Council Members Calsolaro and Sano.*

**Council Member Bailey introduced RESOLUTION NUMBER 111.121.13R (MC), asked for passage and a roll call vote thereon:**

**RESOLUTION HONORING WILLIAM THOMAS CLINGAN UPON HIS RETIREMENT AS ALBANY COUNTY CLERK**

**WHEREAS**, Thomas Clingan is the longest-tenured elected county clerk in county history and is retiring after 25 years as County Clerk and 40 years in government service; and

**WHEREAS**, he has worked for Albany County government since early 1976 in positions of progressively greater responsibility, first as County Budget Director, then as Assistant County Executive, and since December of 1988 as Albany County Clerk; and

**WHEREAS**, as County Clerk he served as chief records officer, responsible for all mortgages, deeds and related records, as Clerk of the Court for both Supreme and County Courts, as Records Management Officer for all

county records and the County's Public Information Officer. He was also responsible for the Albany County Hall of Records, a joint County-City program managing over 91,000 cubic feet of records in a state-of-the-art facility; and

WHEREAS, he has been honored by the Council of Community Services of Northeastern New York for his outstanding service and leadership; received a Lifetime Achievement Award from the NYS Association of County Clerks, served on the advisory committee of the Albany Children's Center at the Albany County Family Court; was recognized for outstanding leadership as President of the Health Systems Agency of Northeastern New York; received the Clerk of the Year award from the NYS Association of County Clerks; received the William Hoyt Annual Archives Award for Excellence in Advocacy from the Board of Regents and the NYS Archives; and received a Distinguished Alumnus award in Public Administration and Policy from the State University at Albany.

NOW, THEREFORE, BE IT RESOLVED, in recognition of the exemplary service of County Clerk Thomas Clingan, we the Common Council of the City of Albany, do hereby express our gratitude for his service to the County and City of Albany and its citizens and wish him the best of luck in his future endeavors.

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

*Resolution Number 11.121.13R was co-sponsored by Council Members Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith*

**Council Member Golby asked for passage of RESOLUTION NUMBER 98.112.13R (RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH VERIZON WIRELESS FOR THE USE AND OCCUPANCY OF A PORTION OF CITY PROPERTY IN CONNECTION WITH THE INSTALLATION AND SITING OF A CELLULAR ANTENNA ATOP THE STEAMER 10 THEATER), which had been previously introduced.**

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, O'Brien, Rosenzweig and Sano

Negative - Konev

**Affirmative 11      Negative 1      Abstain 0**

**Council Member Rosenzweig asked for passage of RESOLUTION NUMBER 72.91.13R (RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JOSEPH R. CUNNIFF TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD), which had been previously introduced.**

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

*Resolution Number 72.91.13R was Co-sponsored by Council Members Calsolaro, Konev and O'Brien.*

**The remaining resolutions on the agenda were held at the request of President Pro Tempore Conti.**

**MISCELLANEOUS AND UNFINISHED BUSINESS**

**Council Member Sano introduced ORDINANCE NUMBER 57.121.13 and asked unanimous consent to allow for the passage and a roll call vote there on, which was approved by unanimous voice vote:**

**President Pro Tempore Conti asked and received majority consent to add Ordinance Number 57.121.13 to the pending agenda, which was approved by unanimous voice vote.**

**AN ORDINANCE AMENDING ORDINANCE 50.101.13 ENTITLED “AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2013, WITH AMENDMENTS, FOR FISCAL YEAR 2014”**

**The City of Albany in Common Council convened, does hereby ordain and enact:**

Section 1. The budget as presented by the Mayor on October 1, 2013, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2014 with the following amendments.

<u>ADDITIONS TO EXPENDITURES</u>	Account #	Amount
Increase Stipend for Assessment Review Board	A1356.7450	\$ <del>5,000.00</del> <u>10,000.00</u>
Add Position of Policy/Fiscal Analyst	A1010.7120	\$ 40,000.00
Changes to Social Security Line Items	A1010.7801	\$ 3,060.00
Changes to Health Insurance Line Items	A1010.7804	\$ 15,355.00
		<hr/>
Subtotal Additional Expenditures		\$ <del>63,415.00</del> <u>68,415.00</u>
<u>REDUCTIONS TO EXPENDITURES</u>	Account #	Amount
Reduce Temporary Help Line	A1010.7170	\$ 10,000.00
Contingency Account	A1900.7448	\$ <del>49,215.00</del> <u>54,215.00</u>
		<hr/>
Subtotal Reductions to Expenditures		\$ <del>59,215.00</del> <u>64,215.00</u>
<u>ADDITIONS TO REVENUES</u>	Account #	Amount
Increase Fees for Stadium Use	A0000.2025.01	\$ 4,200.00
		<hr/>
Subtotal Additions to Revenues		\$ 4,200.00
Net Budgetary Effect		-0-

Section 2. It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

Section 3. It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

**Section 4. This ordinance shall be effective immediately.**

**The resolution passed by the following vote of all the Council Members elected voting in favor thereof:**

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O’Brien, Rosenzweig and Sano

**Affirmative 12      Negative 0      Abstain 0**

**ADJOURNMENT**

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of December 2<sup>nd</sup>, 2013.

CASHAWNA PARKER  
SENIOR LEGISLATIVE AIDE TO THE  
ALBANY COMMON COUNCIL